F Post 8/19/66

Arkansas Vs Its Teachers

New Attack Made On Famed Monkey Law

LITTLE ROCK, Ark. (AP)— One day when Susan Epperson, an attractive young biology teacher, stepped into a public school classroom, she says she lost part of her freedom of speech.

She wants it back.

As a result, she has become the vanguard of the Arkansas Education Association's legal assault on the state's 38-year-old law banning the teaching of Darwin's theory of evolution— one of the nation's last three "monkey laws."

'We just decided it was time for the law to go," says Forrest Rozzell, head of the association. "It is an unwarranted affront to the ability and integrity of teachers."

Mrs. Epperson, 24, completing her third year on the faculty at Little Rock Central High School, became the association's champion in the courtroom this year.

She filed a suit to declare the law unconstitutional. And she won Round 1.

Murray Red, a Chancery Court judge, one step below the Arkansas Supreme Court, held in May that the law must go because it tends to restrain the quest for knowledge by banning a theory that poses no hazard to the community.

The state is appealing to the Arkansas Supreme Court. It has pledged to fight to the U.S. Supreme Court, and Mrs. Epperson's attorneys say they will carry the battle as far as necessary to eliminate the law.

Essentially the questions are: What limits may be placed on freedom of speech in public schools? Is the law a "reasonable" exercise of the people's rights to regulate public schools?

Outgoing Gov. Orval E. Faubus likes the law as a means of keeping "way out" teachers in line. Republican gubernatorial candidate Winthrop Rockefeller sides with the teachers' association.

Baptist ministers, in convention resolutions, have pointedly affirmed their faith in the Bible story of creation. Presbyterians, no less faithful to the Bible story, nevertheless called for an end to the law.

The U.S. Supreme Court has dealt with innumerable cases involving specific restraints on freedom of speech but it has not established a broadly applicable definition of legally reasonable restrains.

"The court has held that such a definition is not possible in any specific, precise terms," said Eugene Warren, attorney for the teachers association.

But lawyers on both sides of the issue believe this case hits close to the center of the problem of defining a reasonable restraint — the area where the legal waters are murky.

In his decision, Reed said the freedom to teach and freedom to learn must be unrestrained except when they involve a doctrine hazardous to a community.

He decided that the evolution theory was not so dangerous.

The freedom-of-speech question rests on the first amendment. which prevents Congress from "abridging the freedom of speech." The Supreme Court has held that this applies as well to the states.

At the same time, the court has made it plain that freedom of speech is neither absolute nor totally unrestrained.

For example, in 1927 the Supreme Court held that "the teaching of what is immoral or inimical to the public welfare may be forbidden by the state, even though taught as a moral or religious duty.

Arkansas Atty. Gen. Bruce Bennett argues that the Darwinian theory of evolution — like polygamy — is inimical to the public welfare.

"Will our children be 'free' to choose their religion after their minds have been warped by antireligious propaganda; or will they be forever captives of the Darwin theory, foisted upon them in their youth?" he asks.

Bennett emphasized that some restraints on freedom of speech have been held legal — including the Hatch Act, which forbids federal employes from active participation in partisan politics.

Similarly, he said, Mrs. Epperson is subject to restraint by the evolution law because she was a state employe, hired by a state subdivision — the Little Rock School Board — and paid with state funds.

Mrs. Epperson's personal view is that a reasonable restraint would not conflict with academic freedom.

The language of the Arkansas anti-evolution law made it illegal to teach or use a textbook that taught that man developed from a lower order of animals. The penalty was a fine up to $500 and dismissal from the teaching post.

The Arkansas Education Association contends that a strict interpretation of the law would clear the classrooms of encyclopedias, most biology textbooks and even dictionaries.

The legislature had considered an anti-evolution law in 1927.

"Monkey business," lawmakers snorted and refused to adopt it.

Then the Rev. Ben Bogard, a Baptist minister, founded the American Anti-Evolution Association, and petitions signed by 19,000 voters put the issue on the 1928 general election ballot.

On Nov. 6, 1928, Arkansas adopted the law by a vote of 108,-991 to 63,406.

Church-Goers Bonus

WARREN, Pa. (AP) — The Assembly of God Church here has come up with an idea it hopes will increase registration at daily vacation Bible school.

Registration forms will be scattered around a field behind the church.

Attached to each form will be a certificate for a free ice cream cone at a local store.